

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

DERRICK BOYKINS,

Plaintiff,

Case No. 1:10-cv-13162-TLL-CEB
Hon. Thomas L. Ludington

v

B & P PROCESS EQUIPMENT,

Defendant.

THE MASTROMARCO FIRM
BY: VICTOR J. MASTROMARCO (P34564)
MANDA L. WESTERVELT-DANIELESKI (P62597)
Attorneys for Plaintiff
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BRAUN KENDRICK FINKBEINER P.L.C.
BY: MATTHEW A. TARRANT (P71282)
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**STIPULATION FOR PROTECTIVE ORDER
AND PROTECTIVE ORDER**

IT IS HEREBY STIPULATED and agreed by and between the parties hereto, by and through their respective counsel of record, that:

1. This Protective Order shall apply to all the following information produced by Defendant during discovery: (1) any documents and information produced by Defendant

concerning current and former employees of Defendant (other than documents relating to Plaintiff); and (2) any other documents or information which is not available to the public and contains confidential or proprietary information (collectively “Confidential Information”). Application of this PROTECTIVE ORDER shall include, without limitation, testimony adduced at depositions upon oral examination or upon written questions, testimony adduced at trial, answers to interrogatories, documents produced, and answers to requests for admission. The term “CONFIDENTIAL MATERIALS” shall include all “Confidential Information” as defined above, as well as documents and things derived from the foregoing, including but not limited to copies, summaries or abstracts.

2. CONFIDENTIAL MATERIALS shall be used solely for the purposes of this litigation pending in the United States District Court for the Eastern District of Michigan, Northern Division and of pursuing or defending legal rights relating to the litigation and related litigation. CONFIDENTIAL MATERIALS shall not be used for any other purpose.

3. Access to CONFIDENTIAL MATERIALS or dissemination thereof shall be limited to the following:

- a. counsel of record for the respective parties to this litigation, including employees of the law firms whose functions require access to CONFIDENTIAL MATERIALS;
- b. the parties hereto, provided they have executed and provided to opposing counsel a statement in the form of Exhibit A hereto;
- c. non-party experts or independent consultants engaged by counsel or the parties to assist in this litigation, provided they have executed and provided to opposing counsel a statement in the form of Exhibit A hereto.

These restrictions may be altered or supplemented only by order of the Court on motion.

4. The producing party or non-party shall mark “CONFIDENTIAL” on documents constituting CONFIDENTIAL MATERIALS.

5. In the case of depositions upon oral examination or trial testimony, if testimony of any witness stands to disclose any CONFIDENTIAL MATERIALS, counsel for plaintiff or defendant introducing such CONFIDENTIAL MATERIALS shall so state before the close of the session and the transcript pages of such testimony will be deemed CONFIDENTIAL MATERIALS absent an agreement or court ruling to the contrary.

6. Filing Protected Documents. “Protected” documents are to be filed in accordance with the provisions of E.D. Mich. LR 5.3 and LR 83.31(a)(3)(B).

7. Within thirty (30) days after final termination of this action either by expiration of the time to appeal or after issuance of the appellate mandate after an appeal, and upon request by the producing party, the parties and their counsel shall return all CONFIDENTIAL MATERIALS in their possession, custody, or control to the counsel for the party producing such CONFIDENTIAL MATERIALS, or shall certify destruction thereof; provided, however, that counsel may retain copies of all CONFIDENTIAL MATERIALS which are court papers, hearing or trial exhibits, and deposition exhibits, solely for reference in the event of a dispute over the use or dissemination of information subject to the terms herein established.

8. Procedure upon Termination of this Action. Unless the Court directs otherwise, material submitted under seal pursuant to this Protective Order will be disposed of pursuant to E.D. Mich. LR 5.3(c).

9. This PROTECTIVE ORDER shall not require any person subject to it to produce or supply any document, or as a waiver by any person of his right to object to the production of any document, or as a waiver of any claims of privilege with regard to the production of any document.

10. The United States District Court for the Eastern District of Michigan, Northern Division at Bay City, Michigan, retains jurisdiction of all matters arising under this stipulation and order.

THE MASTROMARCO FIRM

By: /s/ Manda L. Westervelt-Danieleski (w/consent)
MANDA L. WESTERVELT-DANIELESKI (P62597)
Attorneys for Plaintiff
Dated: May 19, 2011

BRAUN KENDRICK FINKBEINER P.L.C.

By: /s/ John A. Decker
JOHN A. DECKER (P31078)
Attorneys for Defendant
Dated: May 19, 2011

ORDER

IT IS SO ORDERED.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: June 1, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 1, 2011.

s/Tracy A. Jacobs
TRACY A. JACOBS

EXHIBIT A

**UNITED STATES DISTRICT COURT
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johdec@bkf-law.com

CONSENT TO STIPULATION AND PROTECTIVE ORDER

The undersigned hereby certifies that he or she has read the Protective Order in this action and agrees to be bound by it and that he or she voluntarily submits to the personal jurisdiction of the United States District Court for the Eastern District of Michigan, Northern

Division at Bay City, Michigan, for purposes of the enforcement of the above-specified Protective Order and the imposition of any sanctions for contempt thereof by the undersigned.

[Signature]

Sworn to and subscribed before me
this ____ day of _____, 20____.

[Name Printed]